

EXHIBIT D



Desa Ballard
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August 20, 2021

Via Email (amacaulay@nexsenpruet.com)

Angus Macaulay, Esquire
Nexsen pruet, LLC
Post Office Box 2426
Columbia, South Carolina 29202

Re: *Emily Doe v. American University of Antigua Inc.*
Case No.: 4:20-cv-04445-SAL

Dear Mr. Macaulay:

Please find enclosed and hereby served upon you are the Requests for Production and Amended Special Interrogatories to Defendant on Personal Jurisdiction for the above-referenced matter. If you have any questions, please do not hesitate to call.

With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal
beth@desaballard.com

Enclosures

cc: Via Email
Brittany Clark, Esquire
Emily Doe

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Emily Doe)	Civil Action No.: 4:20-cv-04445-SAL
	Plaintiff)
vs.)	REQUESTS FOR PRODUCTION TO
American University of Antigua Inc.,)	DEFENDANT ON PERSONAL
)	JURISDICTION
	Defendant)
)

**TO: ANGUS H. MACAULAY, ESQUIRE AND BRITTANY CLARK, ESQUIRE,
ATTORNEYS FOR DEFENDANT:**

DEFINITIONS

Plaintiff incorporates by reference those Definitions set forth in her First Amended Special Interrogatories to Defendant served this date.

1. Produce application documents for all applicantsⁱ to AUA during the relevant time period who listed any South Carolina address as a permanent or temporary address at any time in their application and/or enrollment with AUA.
2. Produce documents submitted by all graduates of AUA during the relevant time period reflecting any South Carolina address as a permanent or temporary address at any time during their application and/or enrollment with AUA. (same endnote).
3. Produce documents submitted by any student of AUA during the relevant time period reflecting a student who began and/or completed a rotation, affiliated or nonaffiliated clinical clerkship at any health care facility located in South Carolina. As to each, provide sufficient documentation to identify the name and address of the health care facility.
4. Produce all communication between AUA and/or Manipal and any health care facility located in South Carolina during the relevant time period regarding or inquiring about

possible arrangements for any AUA student to perform rotations, clinics, seminars, or courses of study of any kind as part of their coursework at AUA, even if no AUA student ever participated in rotation, programs, clinics, seminars or courses of study in the health care facility with which AUA had communication.

5. Produce documentation documenting any and all officers and/or employees of AUA including but not limited to faculty who have now or have had at any time during the past ten years, any education or professional affiliation of any kind with any institution in South Carolina, including but not limited to Dr. Robert Mallin's association with the Medical University of South Carolina in an associate or other academic position, his licensure by the South Carolina Board of Medical Examiners, his medical degree from the Medical University of South Carolina as well as Dr. Kimberly Mallin's licensure by the South Carolina Board of Medical Examiners (License #21724) and any related affiliation with South Carolina.
6. Produce documents which reflect real property interests, including leasehold interests, by any officers and/or employees of AUA held in South Carolina real property, including but not limited to Dr. Robert Mallin's and Dr. Kimberly N. Mallin's current and/or prior ownership of real estate identified in Charleston County, South Carolina as TMS # 532-15-00-071 (identified more specifically as Unit D, Building 3 of the Simmons Pointe Horizontal Property Regime and/or 1551 Ben Sawyer Blvd United 3D, Mt. Pleasant SC, the property tax receipt for 2021 which is attached as **Exhibit A**) and real estate identified in Charleston County as TMS # 571-12-00-113 as evidenced by a Deed recorded at Book E373, Page 847 and which transferred by a Deed recorded at Book 572, Page 866.

7. Produce any and all communications between any officer or agent of AUA with Dr. Robert Mallin or any placement agent or agency with which he may have been associated at any time before he became affiliated in any capacity with AUA.
8. Produce any and all communications between any officer or agent of AUA with the Medical University of South Carolina, including but not limited to Dr. Robert Mallin, at any time during the relevant time period which relate to medical school education at either AUA or the Medical University of South Carolina.
9. Produce any and all South Carolina state tax returns, if any, filed by Dr. Robert Mallin and/or Dr. Kimberly Mallin during the relevant time period. Please redact any personal identifying information.
10. Produce with the transmittal address to which they were transmitted any and all K-1s, 1099s, or other income documentation issued to Dr. Robert Mallin and/or Dr. Kimberly Mallin during the relevant time period.
11. Produce documents which reflect whether a mortgage dated May 29, 2001 from Dr. Robert Mallin to Carolina First Bank and/or any successor or servicer thereof recorded at Charleston County Book 4411, page 666 and Book 373, Page 613 is satisfied, and if so, identify or produce documents which reflect the satisfaction. If the mortgage is not satisfied, identify or produce documentation which reflects the active servicer of said mortgage. Do not reveal any account numbers and redact any personal identifying information (other than names) on documents produced.
12. Produce documents which reflect whether a mortgage dated January 24, 2006 recorded at Charleston County Book J571 Page 101 – 120 from Robert Mallin and Kimberly N. Mallin to Bank of America N.A. is satisfied, and if so, identify or produce documentation which

reflects the active servicer of said mortgage. Do not reveal any account numbers and redact any personal identifying information (other than names) on documents produced.

13. Produce all emails or transmittals received by licensure@auamed.org during the relevant time period that have listed South Carolina as a state from which any graduate or post-graduate has requested documentation, as set forth on **Exhibit B** or any prior document which served the same purpose for earlier graduates.
14. Produce documents sufficient to identify all dates within the relevant time period on which Dr. Robert Mallin or Dr. Kimberly Mallin performed services for or to benefit AUA and/or its students, or in their capacities as faculty or administration for AUA from any location in South Carolina, including Teams or Zoom calls from a computer or personal communication device located in South Carolina.
15. Produce documents sufficient to identify all ports of call, cities or countries visited by the Semester at Sea program for which Craig Hauser served as Dean of Students in 2013 or at any other time within the relevant time period.
16. Provide documentation to identify by city, state and name of the location at which Plaintiff was assigned to perform academic studies as an AUA student at the time of the transmittal of the email of September 28, 2020.
17. Provide documents to identify all individuals who attended or participated in the Microsoft Teams Meeting held on September 21, 2020 at 4:00 pm by Rachel Osborne on September 17, 2020., including clerical and/or technical staff. As to each, provide documents to identify the location at which all such individuals were believed to be physically located at the time of the September 21, 2020 Teams meeting.

18. Provide all written communications between any officer or employee of Defendant and any officer, employee or Board member of Voorhees College at any time since January 2016.
19. Provide documents showing all email and text communication between any officer or employee of AUA and Dr. Robert Mallin and/or Dr. Kim Mallin at any time during the calendar years 2019 and 2020.
20. Produce copies of the audio or video of any Microsoft Teams or other virtual platform meetings between any officer or employee of AUA and Dr. Robert Mallin and/or Dr. Kim Mallin at any time during the calendar years 2019 and 2020.
21. Provide documents which contain any and all communications between any officer and/or employee of AUA and Grand Strand Medical Center, and produce any agreements, contracts, or documents reflecting an association for any purpose between AUA and Grand Strand Medical Center during the relevant time period.
22. Provide documents related to any and all affiliations between AUA and any hospital in the United States affiliated with or under the management of HCA or any management company of HCA at any time during the relevant time period.
23. Produce any and all written communications between Dr. Robert Mallin and any person or department with Grand Strand Medical Center in Myrtle Beach South Carolina at any time during 2019 and 2020.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (ID# 1179)
Harvey M. Watson III (ID# 9271)

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ATTORNEYS FOR PLAINTIFF

August 20, 2021

I, Beth Cogan, an employee of Ballard & Watson,
Attorneys at Law, certify that I have this date served
a copy of RFP on Personal Jurisdiction
on all counsel of record and Pro Se parties by
Sending a copy properly addressed via email.

Date: 8/20/21 Signed: Beth K Cogan

¹ No identities of persons so named will be included in a public court filing, so disclosure is solely for purposes of discovery in this action, and no person shall be identified in this litigation without their consent or in the absence of a suitable protective order.

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Emily Doe)	Civil Action No.: 4:20-cv-04445-SAL
	Plaintiff)	
vs.)	<u>FIRST AMENDED</u>
American University of Antigua Inc.,)	SPECIAL INTERROGATORIES TO
)	DEFENDANT ON PERSONAL
)	JURISDICTION¹
	Defendant)	
)	

**TO: ANGUS H. MACAULAY, ESQUIRE AND BRITTANY CLARK, ESQUIRE,
ATTORNEYS FOR DEFENDANT:**

Plaintiff, Emily Doe (“Emily”), submits the following special interrogatories regarding special or general personal jurisdiction South Carolina sufficient to enable this Court to exercise personal jurisdiction over it in this matter.

DEFINITIONS

1. “Defendant” or “You” shall include American University of Antigua (hereafter “AUA”) as well as its agent Manipal Education Americas, LLC (hereafter “Manipal”) when acting through or for American University of Antigua or providing services to or on behalf of AUA. Pursuant to the affidavit of Leonard Sclafani dated February 18, 2021 (ECF 15-2), ¶¶ 11 - 13, Manipal is a “vendor” through which AUA contracts “in order for AUA to more efficiently fulfill its educational mission. . . Manipal provides back office and administrative services for AUA, including registerarial, recruiting, marketing, IT, financial, accounting and legal services.” As a result, the definition of Defendant includes

¹ Plaintiff reserves her right to full discovery under the Federal Rules of Civil Procedure with respect to discovery on the merits in this action.

Manipal to the extent it provides general operational services to AUA for the provision of medical school education as set forth in the interrogatories set forth below.

2. “Officers and/or employees” shall include all individual person(s) who own, possess or exercise any control over any interest in AUA through membership, stock, stock options, employment, affiliation or otherwise, as well as officers, agents and employees of AUA, including volunteers, part-time and full-time faculty, adjunct faculty, advisory board members and any and all persons who serve[ed] as administration officials as senior administration officials or clerical staff for AUA at any time since January 2016.
3. “Document” includes material collected and stored in any format, including electronic, including but not limited to those documents that are defined in Rule 34(a)(1)A), FRCP. Each responsive document should be identified sufficiently to enable the Plaintiff to request production pursuant to Federal Rule of Civil Procedure 34 and any associated local rule.
4. “Applicant” includes any individual who submitted to AUA any portion of an application for admission to attend AUA at any time since January 2016, including those who were not granted admission as well as those who were admitted but who did not complete the application process for any reason within one year of his initial submission. “Applicant”, however, does not include individuals who are defined herein as “Student[s]”.
5. “Student” includes any individual who has received course credit for any event or occurrence, including individual classes, seminars or events, at AUA, regardless of whether that Student received a degree from AUA.
6. “Graduate” includes any individual who has received a degree of any kind from the American University of Antigua.

7. "Exhibit" is any attachment to these Interrogatories that are attached hereto and referenced herein as an "Exhibit" and shall be considered a part of the Interrogatory(s) which refers to it.
8. "Payor" includes any and all individuals or entities, including any agency of the United States or Canada that have paid any fees to or for AUA for application fees, tuition, program costs, materials costs, residential services or facilities, meal programs and any other payment made directly or via a third party such as Cashnet, Venmo, Paypal or similar third party transactional company as well as through any credit card company or other financial institution, Paypal for or on behalf of any Applicant, Student or Graduate from January 2016 to the present.
9. "Relevant time period" includes the period from January 2016 (when Plaintiff became a student, but does not include the time period when she was an applicant) through May, 2021, when AUA continued to exert control over Plaintiff as a student of AUA.

INTERROGATORIES

1. Identify any and all persons who have served for any period during the relevant time period on ALA's senior administration, as described in the AUA Advisory Board Mission, attached hereto as **Exhibit A**. As to each, provide the last known address, email and telephone number which you have in your records.
2. Identify which identify all Officers or Employees who have been affiliated in any capacity with AUA during the relevant time period, and as to each, provide the last known contact information for that individual, including all email addresses and telephone numbers known to Defendant.

3. As to each Officer or Employee identified in the previous Interrogatory, identify all state professional licensing information known to you regarding that individual, either presently or at the latest time you have possessed that information. If the requested information is not within the personal knowledge of AUA, inquire of each current or former Officer or Employee to obtain that information and provide it in your response.
4. Identify all of the “prominent American physicians and hospital administrators” who established AUA, as referred to on **Exhibit B**, and as to each, provide the last known contact information for that physician or administrator, including all mail addresses and telephone numbers known to Defendant.
5. Identify by name, address, and last known email and/or telephone, all payors who have paid fees of any kind to AUA at any time for themselves or some other person from credit cards or banking institutions, which list South Carolina as a billing address at any time from January 2016 to the present¹. Payors includes persons who bear partial or full financial responsibility for loans made by third parties for payment to AUA for tuition or other costs for an applicant, student or graduate of AUA.
6. Identity, by name and address and last known email and/or telephone number any and all health care facilities with locations in South Carolina which any student of AUA has listed as a potential placement on their MATCH application or submission through ECFMG (Educational Commission for Foreign Medical Graduates) at any time during the last ten years.
7. Identify, by name and address and last known email and/or telephone number any and all health care facilities which AUA graduates have received a residency appointment at any facility in South Carolina during the relevant time period, regardless of whether that

- accepted that residency. As to each, identify the graduate by name as well as his/her last known contact information.
8. Identify any and all officers, agents and/or employees of AUA who have, at any time within the last ten years, joined AUA following any prior professional affiliation or professional position in South Carolina, whether immediately prior or more distantly prior, *i.e.*, name all officer and/or employees of AUA who have had any affiliation with any facility in South Carolina at any time during their professional careers.
 9. Identify any and all officers, agents and/or employees of AUA who have, at any time within the relevant time period traveled by private vehicle, bus, multi-passenger vehicle, or other conveyance to or through South Carolina for personal, recreational, educational, vocational or business purposes, and as to each, identify the name of the officer and/or employee, the purpose for such travel, and the last known address, e mail and telephone number for that officer or employee. Do not include trips by Leonard Sclafani to attend court proceedings in South Carolina for this proceeding.
 10. Identify all tax years in which Dr. Robert Mallin and/or Dr. Kimberly Mallin claimed a tax deduction for offices at any location in South Carolina, including but not limited to a home office at any time within the past ten years.
 11. Set forth or produce documents sufficient to identify all numbers for personal communication devices used by any officer and/or employee of AUA at any time during the relevant time period which have the area code 803, 843 or 864.
 12. Identify by city or town the physical location from which each participant or attendee of a Microsoft Teams Meeting(s) (as identified in the attached **Exhibit C**) scheduled by Brianne Schwartz on August 27, 2020 at 3:31 pm participated, including but not limited

to Reza Sanii, Carolyn Edmondson, and Emily-Lauren [REDACTED] as well the physical locations of any person(s) who served as an assistant to any participant or attendee or provided technical support for the Teams Meeting.

13. Identify by city and state the physical location from which Brianne Schwartz sent the Microsoft Team Invite on August 27, 2020 at 3:31 p.m. and the recipient(s) email address to which the Invite was transmitted.
14. Identify by city and state the location to which Plaintiff was assigned to perform academic studies as an AUA student at the time the Microsoft Team Invite on August 27, 2020 at 3:31 p.m. was transmitted.
15. Identify by city and state the physical location from which each participant or attendee of a Microsoft teams Meeting on September 21, 2020 at 5:00 pm attended or connected to the Team meeting (as identified in the attached **Exhibit D**) scheduled by Rachel Osborne, including but not limited to Joe [REDACTED] Emily-Lauren [REDACTED], Cynthia Frontin, Karron James, Vernon Lindsay, Samuel Joshua, Joseph Cross, Nikita Srivalsan, Matthew Hogan and Resa Sani as well as the physical location of any person(s) who served as an assistant to any participant or attendee or who provided technical support for the Teams meeting.
16. Identify by city and state or provide documentation to identify by city and state the physical location from which Rosaire Orlowski was believed by this Defendant to be when she transmitted an email and attachments to Emily[REDACTED]@auamed.net on September 28, 2020 at 5:08 p.m. **Exhibit E**.
17. Identify or provide documentation to identify by city and state the physical location at which Jason Rivera read an email on which he was copied from Mariel Gutierrez sent on

December 8, 2020 at 11:49 am that was sent to Emily [REDACTED]@auamet.net. **Exhibit F.**

18. Identify by city and state or provide documentation to identify by city and state the physical location at which each of the following people were believed by this Defendant to be when they read and/or received an email from Waheeda Amiralli on Thursday, April 1, 2021 at 11:48 am, attached as **Exhibit G:** Emily [REDACTED]@auamed.net and Rachel Osborne.
19. Identify or provide documentation to identify by city and state the location from which Waheeda Amiralli transmitted an email on Thursday, April 1, 2021 at 11:48 am *see Exhibit G.*
20. Identify or provide documents to identify by city and state the location at which the following individuals were believed by this Defendant to be located at the time of a Microsoft Teams meeting on Wednesday, April 7, 2021 beginning at 2:00 p.m. AST: Rachel Osborne, Sy Jobila, Trevor Ngorosha, Waheeda Airallli, Jasmine Beyk, P. Patel, James Rice, T. LeGrand, Stephen Modise, Jason Rivera, Jerry Jarosinski, Jennifer Cannon, Melissa Morell, Reza Sanii, Emily-Lauren [REDACTED] and the person(s) who receives email at las@lasattorneyss.com. **Exhibit H.** Identify the full name of the individual(s) who receive communications at las@lasattorneys.com.
21. Identify by city and state or provide documents to identify the location from which Rosaire Orlowski transmitted an email to Emily [REDACTED]@auamed.net on June 2, 2021 at 5:43 p.m. **Exhibit I.**
22. Identify by city and state or provide documents to identify the locations at which the following individuals were believed to be by this Defendant physically located at any

time on June 2, 2021: Emily [REDACTED], Peter Bell, Neil Simon, Trevor Ngorosha, Jobila Sy, Leslie Walwyn, Reza Sanii, Craig Hauser, Melissa Moreell. **Exhibit J.**

23. Identify any person or entity who was provided a blind copy or unattributed copy of *see Exhibit J*, whether on June 2, 2021 or at any time thereafter.
24. Identify by city and state identify the locations at which the following individuals were believed by this Defendant to be physically located at any time on September 17, 2020: Rachel Osborne, Emily-[REDACTED]@auamed.net; Cynthia Frontin, Joe [REDACTED] **Exhibit K.**
25. Identify all individual who received notice or attended, viewed or listened to the Microsoft Teams Meeting scheduled by Rachel Osborne on September 17, 2020 as reflected in *See Exhibit K.*
26. Identify any and all contracts to which Jason Rivera is referring in his email to Plaintiff dated February 13, 2020 at 12:14 pm, a copy of which is attached as **Exhibit L.**
27. Describe in detail the efforts undertaken by Dr. Robert Mallin to assist Plaintiff with any clinical work at University of South Carolina School of Medicine and/or Medical University of South Carolina during 2020. See **Exhibit M** attached for reference.
28. In what state, if any, have Dr. Robert Mallin and Dr. Kimberly Mallin maintained driver's licenses and voter's registrations each year for the past ten years?

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (ID# 1179)
Harvey M. Watson III (ID# 9271)

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ATTORNEYS FOR PLAINTIFF

August 20, 2021

I, Beth Cogan, an employee of Ballard & Watson,
Attorneys at Law, certify that I have this date served
a copy of First Amended Special Rots on Personal Jurisdiction
on all counsel of record and Pro Se parties by
Sending a copy properly addressed via email.

Date: 8/20/21 Signed: Beth K Cogan

¹ No identities of persons so named will be included in a public court filing, so disclosure is solely for purposes of discovery in this action, and no person shall be identified in this litigation without their consent or in the absence of a suitable protective order.